

Remarks

Applicants respectfully request reconsideration of this application. Claims 1, 14, 27, and 28 have been amended. No claims have been canceled. No claims have been added.

Drawings

The Office Action Summary indicates that the Examiner objects to the drawings filed on 31 October 2000. In the previous response mailed on April 22, 2005, Applicants submitted Formal Drawings to overcome Examiner's objections. The Office Action dated July 27, 2005 does not indicate reasons for further objections or entrance of the submitted Formal Drawings. Applicants respectfully request the Examiner accept and enter the Formal Drawings submitted in the response mailed April 22, 2005 and withdraw the objection. Applicants would be pleased to provide another copy of the previously submitted Formal Drawings at the Examiner's request.

Rejections Under 35 U.S.C. § 102

Claims 1-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Herz et al. (U.S. Patent No. 5,835,087, herein referred to as "*Herz*"). Applicants respectfully submit that the present claims are patentable over *Herz*.

In a telephone communication with the Examiner on October 11, 2005, the Examiner clarified the Examiner's interpretation of *Herz*. It is Applicants' understanding that the Examiner believes that the "target object" in *Herz* is the "recipient" in Applicants' claimed invention, and that the "target object" in *Herz* receives the "communication" of

Applicants' claimed invention. The Examiner specifically cited *Herz*, col. 5 lines 6 to col. 6, line 16 as disclosing the limitation of "presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient." In those sections, *Herz* discloses:

"The system for electronic identification of desirable objects of the present invention automatically constructs both a target profile for each target object in the electronic media based, for example, on the frequency with which each word appears in an article relative to its overall frequency of use in all articles, as well as a "target profile interest summary" for each user, which target profile interest summary describes the user's interest level in various types of target objects. The system then evaluates the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user so that the user can select from among these potentially relevant target objects, which were automatically selected by this system from the plethora of target objects available on the electronic media." (*Herz*, col. 5, lines 6-20, emphasis added).

Accordingly, under the Examiner's interpretation, since the "target object" of *Herz* is the "suggested recipient" of Applicants' claimed invention, the "user" of *Herz* is the "sender" of Applicants' claimed invention.

Applicants have amended claim 1 to recite the limitation of "presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient." *Herz* does not disclose or suggest this limitation.

Herz discloses, "Each user is presented with those target objects whose profiles most closely match the user's interests as described by the user's target profile interest summary. Users' target profile interest summaries are automatically updated on a

continuing basis to reflect each user's changing interests." (Herz, col. 5, lines 25-28, emphasis added).

Herz does not disclose or suggest that the user is presented with a listing of a target object after the user has composed a draft of a communication. *Herz*, in fact, does not disclose or suggest when the user is presented with the listing of target objects. Indeed, *Herz* does not disclose or suggest that the user completes a draft of any communication, and, accordingly, does not disclose or suggest any presentations occurring between completion of a draft of a communication and actual transmission of the communication.

Therefore, *Herz* does not disclose or suggest the limitation of claim 1 of "presenting the suggested recipient to a sender of the communication for selection as a confirmed recipient after the sender has composed a draft of the communication and before transmission of the communication to an actual recipient."

Furthermore, claim 1 also includes the limitation of "identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a correspondence between content of the communication and content of the descriptive profile of the potential recipient." *Herz* also does not disclose or suggest this limitation.

In the Office Action, the Examiner asserted that *Herz* shows an evaluation of a correspondence between content of profiles of potential customers in col. 5, lines 7-20 and col. 18, lines 17-36. (Office Action, dated July 27, 2005, p. 12). However, *Herz* does not disclose an evaluation of a correspondence between content of profile of a potential recipient and content of a communication.

As discussed above, it appears the Examiner believes that the “target object” in *Herz* is the “recipient” in Applicants’ claimed invention, and that the “target object” in *Herz* receives the “communication” of Applicants’ claimed invention. Accordingly, under the Examiner’s interpretation, the Examiner is asserting that *Herz* discloses identifying potential target objects based evaluations of content of a communication to be transmitted to a target object and content of profiles of target objects.

However, the “evaluation” in *Herz* disclosed in the sections cited by the Examiner is not between contents of a communication and contents of a target object profile (the alleged descriptive profile of a potential recipient of the communication). Rather, the evaluation disclosed in *Herz* is between a summary of a user’s target profile interests and the target object profile. In the section in col. 5 cited by the Examiner, *Herz* discloses, “The system then evaluates the target profiles against the users’ target profile interest summaries to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user.” (*Herz*, col. 5, lines 15-18, emphasis added). The summary of a user’s target profile interests is not a communication as claimed.

Herz defines a user’s target profile interest summary as follows:

“(e.) a summary of digital profiles of target objects that a user likes and/or dislikes, is termed the “target profile interest summary” of that user,...” (col. 4, lines 56-59, emphasis added).

Herz neither discloses nor suggests that the user’s target profile interest summary is for transmission to a target object (the alleged recipient). Therefore, the section in col. 5 cited by the Examiner does not disclose or suggest “identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a

correspondence between content of the communication and content of the descriptive profile of the potential recipient.”

The “evaluation” disclosed in col. 18 cited by the Examiner also does not disclose or suggest this limitation. Rather, the section discloses:

“Relevance feedback only determines the user's interest in certain target objects: namely, the target objects that the user has actually had the opportunity to evaluate (whether actively or passively). For target objects that the user has not yet seen, the filtering system must estimate the user's interest. This estimation task is the heart of the filtering problem, and the reason that the similarity measurement is important. More concretely, the preferred embodiment of the filtering system is a news clipping service that periodically presents the user with news articles of potential interest. The user provides active and/or passive feedback to the system relating to these presented articles. However, the system does not have feedback information from the user for articles that have never been presented to the user, such as new articles that have just been added to the database, or old articles that the system chose not to present to the user. Similarly, in the dating service domain where target objects are prospective romantic partners, the system has only received feedback on old flames, not on prospective new loves.” (col. 18, lines 17-36, emphasis added).

In other words, in *Herz*, the user evaluates target objects (e.g. the news articles or old flames). For new target objects (e.g. articles that have never been presented to the user or prospective romantic partners), the filtering system in *Herz* estimates the user's interest in the new target. This section does not disclose or suggest an evaluation between contents of a communication as claimed and content of a target object profile (the alleged descriptive profile of the potential recipient).

Therefore, the sections cited by the Examiner do not disclose or suggest “identifying the potential recipient as a suggested recipient of the communication based on an evaluation of a correspondence between content of the communication and content of the descriptive profile of the potential recipient.”

Independent claims 14, 27, and 28 each include similar limitations. Therefore, *Herz* also does not disclose or suggest all the limitation of claims 14, 27, and 28 for at least the foregoing reasons.

Claims 2-13 and 15-26 depend, directly or indirectly, from one of the foregoing independent claims. Therefore, *Herz* also does not disclose or suggest all the limitation of claims 2-13 and 15-26 for at least the foregoing reasons.

Therefore, *Herz* does not anticipate claims 1-28. Withdrawal of the rejection is respectfully requested.

Conclusion

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jordan Becker at (408) 720-8300.

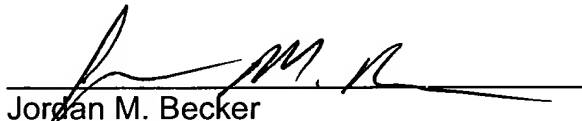
Pursuant to 37 C.F.R. 1.136(a)(3), Applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Date:

10/27/05


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